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STAT MEMORANDUM FOR: [REDACTED] Assistant Legislative Counsel

STAT FROM : [REDACTED] AC/IAD/SOG

SUBJECT : Anti-terrorism Legislation, H. R. 2441

1. Special Operations Group (SOG) comments regarding proposed H. R. 2441 Anti-terrorism Legislation follow:

a. H. R. 2441 is unclear as to whether an international guerrilla or quasi-military organization such as the PLO, Cubans, or other self-acclaimed national entity, who are dressed in civilian clothing actively supporting and participating in acts of terrorism are included under this act per Section 2.

b. While intelligence relating to the identity, entity, group, or organization involved in a terrorist incident is not required to be disclosed publicly by this act, it is to be revealed to Congress in a classified request. This opens up the question of sources, methods and authentication. For example, suppose a CIA agent provides advanced intelligence on an international terrorist act against a U.S. aircraft and the event occurs. Should CIA go to the Congress with intelligence revealing the reported sponsor, someone in Congress is sure to challenge the report's authenticity which, unless CIA is willing to reveal sources and methods, CIA will be unable to prove. Particularly in view of the fact H. R. 2441 specifically requires action to be taken against a country involved in terrorist activity against U.S. citizens or aircraft.

c. Section 9 paragraph (3). How will the shipper know that explosives contain the proper identification taggant? The packaging could be forged, etc.; hence, according to the H. R. 2441, as written, the shipper would be guilty anyway. There should be some way the shipper can verify the existence of a taggant in an explosive and it should be spelled out in Section 9. 4 2123 STAT

d. Most importantly, Section 9.b (10) does not specifically exempt CIA from requirements (1) through (8) of the same Section. CIA has an ongoing domestic need for explosives for testing and training and stocks certain items of demolitions and explosive ordnance for contingency use overseas. Furthermore, CIA might transfer explosives to a third country covertly, providing such an operation is endorsed by the SCC and approved by the President. As written, the Section is not clear on these points. It could preclude the Agency from carrying out certain special activities, since CIA is charged with the maintenance of a paramilitary capability which includes the use of explosive ordnance.

e. What impact will the section on "conveying false information" have on CIA covert ability to ship explosives if required?

All paragraphs classified SECRET.



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IAD/SOG/ [redacted] 21 March 1979

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